

Docket No. ORT-1453

REMARKS

Claims 1-24 of the instant application were finally rejected by the Examiner in an Office Action mailed July 10, 2003 (the "July 2003 Office Action"). Applicants filed an Amendment in response to the July 2003 Office Action on October 29, 2003 (the "October 2003 Amendment"), accompanied by a Petition for a one month extension of time (which extended the period of response from October 10, 2003 to November 10, 2003). An Advisory Action from the Examiner was then mailed on November 26, 2003 maintaining the rejection of Claims 1-11 and 15-21, and indicating that Applicant's October 2003 Amendment had overcome the rejection under 35 U.S.C. §112, second paragraph. Applicants subsequently filed a Notice of Appeal on December 19, 2003.

As a preliminary matter, Applicant's attorney would like to thank the Examiner for the telephonic interview held on January 21, 2003 (the "Interview") for the purpose of advancing prosecution of the instant application. During the Interview, Applicant's attorney noted that an extension of time for filing the Notice of Appeal was necessary and Applicant therefore requested such an extension and agreed to pay whatever fee was necessary to maintain the pendency of the instant application in the U.S Patent and Trademark Office ("USPTO"). The Examiner stated that the USPTO would proceed to charge Applicant's deposit account in the amount of the fee for a two-month extension of time in order to extend the period for response from November 10, 2003 until January 10, 2004. Additionally, the Examiner indicated during the Interview that the Notice of Appeal mailed by Applicant on December 19, 2003 was accepted as having been timely filed.

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Claims 1-24 are pending in the instant application. By the above amendment, Applicant has canceled Claims 1-11 and 15-21 without prejudice, amended claims 12 and 22 to rewrite them as independent claims, and amended dependent claims 13-14 and 23-24 to correct the dependencies. Applicant maintains that the amendments do not introduce new matter. The amendment canceling claims 1-11 and 15-21 is being made solely to advance the prosecution of the instant application and is not in any way to be construed as an admission that the canceled material is unpatentable. Thus, Applicant reserves the right to pursue coverage of the canceled material by filing a continuation or a divisional application at an appropriate time in the future. After entry of the amendment, Claims 12-14 and 22-24 will remain pending and under consideration.

In the July 2003 Office Action, the Examiner had indicated that Claims 12-14 and 22-24 appeared to be free of the prior art and would be allowable if rewritten in independent form so as to avoid the indefiniteness issue which had been raised by the Examiner. By the above amendment, Applicants have amended Claims 12-14 and 22-24 in accordance with the Examiner's suggestion.

Applicant submits that the present amendment does not raise new issues for the Examiner's consideration; instead, the amendment serves to place the application in condition for allowance. Applicant submits that the amendment should therefore be entered, and passage to issue is earnestly requested.

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